

Serial No. 09/496,188
May 26, 2004
Page 2

AMENDMENTS TO THE CLAIMS:

1. (Currently amended) A computer-implemented method for identifying a price at which to conduct a batch auction of a financial security, comprising the following steps, each of which are implemented by a computer:

accepting a plurality of order requests from a plurality of sources, said order requests containing orders representing a desire to trade the financial security within certain order parameters;

selecting the price at which to trade the security, including

determining whether there exists at least one order on each side of a trade containing a price as an order parameter such that at least one purchase price is higher than or equal to at least one selling price, and if so determining from said priced portion of said orders whether there exists a single price at which a maximum number of shares of said security will be traded, and, if so, selecting said single price as a selected price,

If there does not exist such a single price, calculating an imbalance ratio of purchase requests of said security to sale requests of said security, and determining the selected price based on the result of a comparison of said imbalance ratio to a predetermined reference value,

if no orders on opposite sides of a trade contain intersecting prices, then selecting a predetermined reference price as said selected price; and

exchanging a number of shares of the security at the selected price.

2. (Previously presented) The method for identifying a price at which to conduct a batch auction of a financial security according to claim 1, wherein said number of shares is a maximum number of shares which can be exchanged based upon said order requests.

3. (Previously presented) The method for identifying a price at which to conduct a batch auction of a financial security according to claim 2, wherein said maximum number of shares is a factor for selecting the selected price.

Serial No. 09/496,188
May 26, 2004
Page 3

4. (Previously presented) The method for identifying a price at which to conduct a batch auction of a financial security according to claim 1, wherein the selected price based on the result of a comparison of said imbalance ratio lies within a range identified by a bid-offer spread of the security on a market for the security.
5. (Previously presented) The method for identifying a price at which to conduct a batch auction of a financial security according to claim 1, wherein said order parameters include a trade side, a security identifier, a price, and a quantity of shares.
6. (Previously presented) The method for identifying a price at which to conduct a batch auction of a financial security according to claim 1, wherein said orders have order types selected from the group consisting of unpriced orders, cross orders, and priced orders.
7. (Previously presented) The method for identifying a price at which to conduct a batch auction of a financial security according to claim 6, wherein said cross orders comprise order parameters including a security identifier, and a quantity of shares for both a purchase order request and a sell order request.
8. (Previously presented) The method for identifying a price at which to conduct a batch auction of a financial security according to claim 1, further comprising the step of allocating said exchanged shares pro-rata among said orders whose parameters are met by said selected price.
9. (Previously presented) The method for identifying a price at which to conduct a batch auction of a financial security according to claim 1, wherein said selecting step is performed according to an algorithm selected from the group consisting of a price discovery algorithm and a reference price algorithm.

Serial No. 09/496,188
May 26, 2004
Page 4

10. (Previously presented) The method for identifying a price at which to conduct a batch auction of a financial security according to claim 9, whereby said selected price is selected so as to maximize an amount of exchanged shares.

11. (Currently amended) A computerized system apparatus for identifying a price at which to conduct a batch auction of a security, comprising:

a computerized network having at least two computers in electronic communication with each other;

an order receiving program running on one or more of said computers, wherein said receiving program is designed to receive a plurality of messages containing orders from one or more qualified participants;

an order book database located on one or more of said computers, wherein said order book database communicates with said order receiving program and stores each of said orders received by said receiving program;

a price selection program running on one or more of said computers, wherein said price selection program refers to said order book database and calculates a single selected price at which to transact a maximum number of shares of the security during the batch auction, said single selected price being determined differently according to whether or not intersecting orders exist in said order book database;

a batch auction execution program running on one or more of said computers, wherein said execution program executes the batch auction of said maximum number of shares of the security at a given execution time at said selected price.

12. (Currently amended) The computerized system apparatus according to claim 11, further comprising a notification program running on one or more of said computers, wherein said notification program notifies said qualified participants of results of said auction execution program.

13. (Currently amended) The computerized system apparatus according to claim 11, wherein said messages can contain order types selected from the group consisting of unpriced orders, cross orders, and priced orders.

Serial No. 09/496,188
May 26, 2004
Pag 5

14. (Currently amended) The computerized system apparatus according to claim 11, further comprising an electronic connection for forwarding unexecuted orders to outside markets.
15. (Currently amended) The computerized system apparatus according to claim 11, further comprising communication connections whereby said qualified participants may remotely submit said messages to said order receiving program electronically.
16. (Currently amended) The computerized system apparatus according to claim 15, wherein said qualified participants receive said results of the batch auction electronically from said notification program.
17. (Currently amended) The computerized system apparatus according to claim 11, wherein said batch auction execution program allocates said maximum number of shares among accepted orders according to a pro-rata distribution of said maximum number of said shares among said orders having a price requirement at least as aggressive as said single price.
18. (Currently amended) The computerized system apparatus according to claim 11, wherein said price selection program identifies said single price according to a price discovery algorithm and a reference price algorithm.
19. (Currently amended) The computerized system apparatus according to claim 11, wherein said single price is constrained to lie within the bounds identified by a bid-offer spread of the security on a market for the security.
20. (Currently amended) The computerized system apparatus according to claim 11, further comprising an electronic connection to an external data source, said data source providing market information regarding the security.

Serial No. 09/496,188
May 26, 2004
Pag 6

21. (Currently amended) A computer-implemented method for conducting a security batch auction cycle for an security at a single price, said auction cycle having an order acceptance period, a price discovery period, and an order execution period, said method comprising the following steps, each of which are implemented by a computer:
during said order acceptance period, accepting requests to enter auction orders into an order book;
during said price discovery period, determining whether said orders will intersect, if said orders intersect, identifying one or more prices at which the batch auction cycle would produce a maximum number of executed shares, selecting one of said one or more prices as an optimal price, and setting said optimal price as the single price; or if said orders do not intersect, selecting a reference price, and setting said reference price as the single price; and
during said order execution period, executing a trade of said maximum number of shares at said optimal price.